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Conference on Disarmament

16 February 2015

English

Note verbale dated 13 February 2015 from the Permanent Mission of Mexico addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the President's summary for the period corresponding to the first presidential term of the 2015 session of the Conference, held by Mexico from 19 January to 15 February 2015

The Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva presents its compliments to the Acting Secretary-General of the Conference on Disarmament, and has the honour to refer to the 2015 session of the Conference.

The Permanent Mission of Mexico, on behalf of the President of the Conference on Disarmament, requests that the attached "President's summary" should be registered and distributed as an official document of the 2015 session of the Conference.

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President's Summary

First Presidency of 2015 Session of the Conference on Disarmament Geneva, 19 January–15 February 2015

Mr. Jorge Lomónaco, Ambassador of Mexico

Beginning of the 2015 session

1. The first plenary meeting under the presidency of Mexico was held on 20 January 2015. During that meeting the President expressed his commitment to make every effort to contribute to the Conference on Disarmament facing its challenges. Recalling the growing need for progress in multilateral disarmament and with a view to the early commencement of substantive work during its 2015 session, the President informed the membership on the informal consultations convened in December 2014, in which the member States were invited, through their regional groups to meet with the incoming President. He also informed the Conference on Disarmament on his consultations with the Informal Group of Observer States and civil society representatives.

2. The President invited the membership to be creative, constructive and to help him overcome the artificial limitations that have been built for more than a decade; to distinguish between rules, traditions and mythology. The President appealed to the diplomatic skills of the members to help create incentives for the much needed political will that is essential for the Conference to fulfil its mandate and to contribute to the construction of a safer world.

3. In order to draw up a programme of work for the session, the President recalled that on 15 January, through the Secretariat, he had circulated among all the Permanent Representatives and Heads of Delegation of member States a letter kindly inviting their input on the elements that the programme of work should include, as well as any other suggestions they may have. In this regard, the President stated that if it was true that all members wished to put an end to the lack of substantive work at the Conference on Disarmament, the adoption of a programme of work should not be difficult.

4. To conclude his remarks, the President mentioned that enough had been said of the current stalemate and that 2015 represented an opportunity to modify the dynamics, to overcome the inertia that has prevailed in previous years, and to promptly return to effective multilateral diplomacy.

5. During that plenary meeting, Mr. Michael Moller, Acting Secretary-General of the Conference on Disarmament, delivered a message to the Conference on Disarmament on behalf of the Secretary-General of the United Nations. In that statement, the Secretary-General acknowledged the determined and creative efforts over the past year to bring the Conference back to work. He also stated that he was encouraged that the Conference on Disarmament had found ways to continue deliberations on matters of substance, despite the long years of impasse. He nevertheless underlined that "the Conference on Disarmament was not designed to deliberate". Noting that the mandate of the Conference is to negotiate he stated that "ultimately, the effectiveness of the Conference will be judged on a single criterion: its ability to conclude disarmament treaties."

6. The rest of the plenary meeting was devoted to the delivery of general statements from the membership and representatives of observer States.

Efforts to adopt a programme of work for the 2015 session

7. The plenary meetings of 27 and 29 January were focused on efforts to adopt a programme of work. On 27 January, the President submitted a draft programme of work (CD/WP.584) for consideration and adoption. In introducing his draft, the President stated that the road to follow was well defined by the rules of procedure, as rule 28 establishes that "on the basis of its agenda, the Conference, at the beginning of its annual session, shall establish its program of work, which will include a schedule of its activities for that session, taking also into account the recommendations, proposals and decisions referred to in rule 27" and rule 29 establishes that "the provisional agenda and the program of work shall be drawn up by the President of the Conference with the assistance of the Secretary-General and presented to the Conference for consideration and adoption."

8. The President noted that, in preparing his draft programme of work, he had requested the assistance of the Secretariat to compile a "compendium of mandates given to the Conference on Disarmament by the General Assembly" from 1996 to 2014. He stated that the basis upon which the presidency had built and reflected in developing a draft programme of work had being the following documents: the compendium of mandates; the information that the membership provided him during the informal meetings held in December 2014; statements presented during Conference on Disarmament plenary meetings from the preceding 15 years; decisions of the Conference; previous draft programmes of work; the 15 written responses to the letter that was circulated on 15 January; and information gathered from bilateral informal exchanges.

9. The President further stated that he had based his proposal on the agenda adopted on 20 January 2015 (CD/2008). He also clarified that, as some of the views of member States were mutually exclusive, the presidency developed a draft programme of work which had the objective of allowing the Conference on Disarmament to fulfil its mandate, that it required compromise, and that it had to be taken as a package.

10. In this regard, the President requested the Conference, in considering the proposal in its entirety, to take into consideration the following:

(a) The items proposed for negotiation were derived from the agenda, which was already balanced and comprehensive. So, there was no further need to seek balance if all issues on the agenda were covered;

(b) The creation of mandates for subsidiary bodies was unnecessary, given that the CD already has an overarching mandate;

(c) In the past, the Conference on Disarmament was able to negotiate on several issues at one time but reached agreement only on a few, and some of them produced treaties;

(d) Classifying the items also has the risk of the illusion of neglect, and some attempts to put the conference on Disarmament back to work have departed from the notion of negotiating on the lesser issues in detriment of the priorities, given the fact that focusing on the priorities has not taken us far;

(e) All issues could be treated equally, at least procedurally, and they would progress on their own merits;

(f) The first part of the draft programme of work described the activities of the Conference for its 2015 session and the second part contained a schedule of those activities in accordance with rule 28;

(g) In developing the proposal, the presidency took into consideration that the time allocated in the schedule of activities for negotiations on each item of the agenda would not allow negotiations on any of the topics to be exhausted. Despite this fact, the President considered that any minor advance that the Conference on Disarmament could

achieve would be significant, given its failure over many years to move forward. Furthermore, he stressed that any agreement would set the basis on which to build during the following sessions of the Conference;

(h) In order to have enough time to cover all the items contained on the agenda (CD/2008), the Conference on Disarmament needed to start its substantive work the following week. This requires action to be taken on the proposal in the same week that it was presented.

11. The President requested all members to carefully consider the draft programme of work to resume substantive work in the Conference on Disarmament and to do so with an open mind, on the understanding that most of the members had expressed their commitment to putting the body back to work again, and had expressed on multiple occasions that the Conference must contribute to the peace and security of the 21st Century by fulfilling its mandate. He added that adopting the decision should not be as difficult as it may seemed, as doing so would be consistent with the membership's shared commitment to advancing the topics contained in the agenda and to the future and relevance of this important forum of the disarmament architecture.

12. After presenting the draft programme of work, there was a preliminary exchange of views.

13. On 29 January, before taking action on the draft programme of work, the President clarified that, as the draft programme of work was a package, modifying its substance or adding or eliminating any of its elements, would modify its essence as a compromise programme of work. While recognizing that there could be some editorial changes that might contribute to the accuracy of the text, the President stated that he did not considerate pertinent to undertake a drafting exercise on the text.

14. During that plenary meeting, the President proposed the adoption of the draft programme of work (CD/WP.584). After a further exchange of views, one delegation objected to the adoption of the draft.

15. As a result, the President stated that it was regrettable that, once again, the Conference on Disarmament had lost another opportunity to adopt a programme of work that could have enabled an early resumption of substantive negotiations on its agenda items.

16. In the plenary session of 4 February, the President took stock of the efforts of the presidency to adopt a programme of work. He stated that the Conference on Disarmament's continuous inability to adopt a programme of work should not be qualified as the failure or fault of just one member of the Conference, but rather as a collective failure. He also noted that, had the debate gone slightly differently, some other delegations would likely have expressed their opposition to other elements of the draft, and many might have preferred to extend the discussion and delay the taking of action. This would not have being a surprise for anyone: the Conference on Disarmament had repeatedly witnessed similar situations.

17. The President told the Conference that all members shared the responsibility for having built a system which grants individual members the power to veto procedural decisions. It had become a system which conceives consensus as a rule and not as the common aspiration to reach an agreement. He asked the membership not to forget that consensus is not the same as unanimity.

18. The President mentioned that his presidency took as a compliment the many comments to the effect that the Conference had come very close to adopting the draft programme of work proposed by his presidency. He noted that his presidency had worked hard to that end, and that perhaps it had been close, but that the challenge inherent in the contested paragraph in the draft was at the heart of a divide that had confronted the

Conference on Disarmament for years. The President stressed that that divide could not be bridged through a drafting exercise, as some had suggested.

19. He further stated that, in the process, the Presidency had received a very clear picture of the positions of member States and regional groups, which showed that most member States were fixated on certain issues and priorities. Furthermore, it was evident that some of the views of member States were mutually exclusive. While one country had openly stated that it could not accept a programme of work that involved negotiations on a fissile material cut-off treaty (FMCT), other member States had clearly expressed that negotiations on a treaty banning the production of fissile materials for nuclear weapons and other explosive devices was a priority. A majority of the latter group had underlined their view that such a treaty must be negotiated under the mandate contained in CD/1299.

20. In developing the draft programme of work, the presidency could not ignore the views expressed by a large group of member States that stated that such a treaty would be a logical step in the quest for a world without nuclear weapons, which should be the end goal of the Conference on Disarmament's work. That was why the draft submitted for consideration of the Conference included issues provided by all members of the Conference, and was not crafted around the preferences of just one delegation, not even around the preferences of the Mexican delegation.

21. This situation also explained why the presidency had developed a draft programme of work which should have been taken as a package, as a compromise agreement among member States. The President added that this was also the main reason why changing the substance of the draft, adding or eliminating even one of its elements, would modify its essence as a compromise programme of work and why, while recognizing that there could be some editorial changes that might have contributed to the accuracy of the text, the presidency did not consider it pertinent to undertake a drafting exercise on the draft programme of work.

22. The President noted further that the draft program of work submitted for adoption was already an official document of the Conference on Disarmament. The President stressed that the draft now belonged to the Conference and was in its hands, and particularly in the hands of the following presidents of the Conference on Disarmament.

23. In this regard, the President informed the Conference on Disarmament that he had met with his P6 colleagues and had told them that he had clearly heard several voices insisting that the Conference should attempt once more to adopt the draft programme of work. He noted, however, that it would have been irresponsible for him to try again, as it would be inconsistent with Mexico's principles and with the spirit of the package he had presented. Furthermore, he honestly believed it would not be possible to resolve the issue in the two weeks that he had left as President, which he had hoped to use to implement an adopted programme of work. This, however, should not prevent future presidents from trying to do so, should they so decide, in which case they would have Mexico's wholehearted support.

24. The President expressed his gratitude to those delegations that had supported the draft presented by him. He said that the presidency did not regret for a minute having made every effort and having tried a high-stakes strategy. The presidency was proud of its efforts, and it sincerely hoped to have made a meaningful contribution to the Conference on Disarmament.

25. After this, the President advised that he would devote the rest of his presidency to discussing issues pertaining to the rules of procedure of the Conference. Particularly, he would focus his work on three topics: the participation of civil society, methods of work and the expansion of the membership.

Exchange of views on advancing the items on the agenda adopted by the Conference

26. The plenary meeting on 28 January was devoted to an exchange of views on advancing the items on the agenda adopted by the Conference on 20 January (CD/2008). The objective of the plenary meeting was to give member and observer States the space to speak about issues that might contribute to the beginning of negotiations on any of the substantive items of the agenda of the Conference.

27. Before the plenary meeting, the following four States expressed their wish to speak on particular topics related to items on the agenda:

(a) Austria, which briefed the Conference on the Vienna Conference on the Humanitarian Impact of Nuclear Weapons of 8 and 9 December 2014 and its outcome;

(b) Costa Rica, which spoke on the draft nuclear weapons convention proposed by Costa Rica and Malaysia;

(c) France, which spoke on a fissile material cut-off treaty (FMCT);

(d) United States, which also spoke on a fissile material cut-off treaty (FMCT).

28. A space for interactive dialogue was provided at the end of each topic. During the meeting, other delegations used the opportunity to speak about other items on the agenda and to deliver general statements.

Efforts to adopt a decision on civil society participation at the Conference on Disarmament

29. On Wednesday 4 February the Conference on Disarmament started its discussions on issues pertaining to the rules of procedure of the Conference. There was a very constructive exchange of views on a proposal which the President had submitted to the Conference on civil society participation, registered as CD/WP.585. The President listened carefully to the views and comments on the draft, many of which prompted him to undertake further consultations and to seek clarifications from a number of delegations on the observations that were offered. This led to a revision of the proposal which was circulated on 5 February, 2015, and registered as document CD/WP.585/Rev.1.

30. On 10 February there was an exchange of views on the new proposal. Before opening the floor on the subject, the President stressed that the original draft was conceived on the assumption that using previously agreed language, drawing from the Conference's own rules of procedure, would ease resistance. He also noted that the new draft was more conservative on the potential role that civil society might play in the Conference on Disarmament. The President clarified that he would have preferred a much more liberal approach, with greater openness and transparency for civil society participation, but he was willing to make concessions in order to secure the draft's adoption; he expressed hope that "one side of the aisle would be as willing to compromise as the other". Finally, the President observed that the more conservative character of the new draft was in line with practices within other United Nations fora.

31. During the debate that subsequently took place, it appeared that further amendments were necessary. Consequently, the President suggested two oral amendments to the text, reproduced in document CD/WP.585/Rev.2, and told delegations that, when requesting instructions, they should reflect on whether they could reject an approach that they had accepted in other disarmament and arms control fora, such as in the framework of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

32. The revised draft proposal was discussed on 13 February. While many delegations took the floor to strongly support the proposal, one delegation stated that it would oppose the adoption of the draft proposal.

33. While debating the proposal various delegations called for this issue to be included as part of the discussions that would take place in the working group to review the methods of work of the Conference on Disarmament whose consideration for establishment would follow. In this regard, the President stated that he hoped that the positions expressed were not just delaying tactics and that he expected that delegations that proposed to include the question of civil society participation as part of the deliberations of a working group to review the methods of work of the Conference would be ready to support the group's establishment.

Efforts to adopt a decision to establish a working group to review the methods of work of the Conference on Disarmament

34. On 10 February, a draft decision on the establishment of a subsidiary body to consider all the issues related to the methods of work of the Conference and to propose a valid way forward was presented by the President (CD/WP.586). During that plenary meeting, and as a result of the debate that followed, the President submitted oral amendments that were reproduced in document CD/WP.586/Rev.1.

35. During the plenary meeting conveyed on 13 February, CD/WP.586/Rev.1 was opened for comments. During the discussion, some delegations made drafting suggestions. As a result, the President made two oral amendments to the draft, based on the drafting proposals that were made from the floor and which were consistent with the spirit of the draft, and proceeded to submit the orally amended draft for adoption. One delegation opposed the adoption of the draft contained in CD/WP.586/Rev.1, as orally amended.

Interactive discussions on the expansion of the membership of the Conference on Disarmament and on a possible appointment of a special coordinator on the expansion of the membership of the Conference on Disarmament

36. The plenary meeting on 11 February contained an interactive debate on the expansion of the Conference on Disarmament. The appointment of a special coordinator on the expansion of the membership of the Conference on Disarmament was proposed by many delegations, on the understanding that the appointment of such a coordinator would not automatically result in a decision to expand the membership, but would allow for an assessment of the current situation on this issue and possibly make some recommendations on the way forward.

37. In wrapping up the debate, the President stated that he took note of a strong call from the membership and observer States to implement rule of procedure 2, which says that "the membership of the Conference will be reviewed at regular intervals". He then accepted the task of pursuing the possibility of appointing a special coordinator on the issue of expansion.

38. During the plenary meeting of 13 February, the President reported that, unfortunately and because of the limited duration of the Presidency, as prescribed by rule 9 of the Conference's rules of procedure, and despite tireless efforts initiated as soon as he accepted the task, he did not have enough time to find a suitable candidate to perform the function of special coordinator on the expansion of the membership.

39. The President expressed his hope that his P6 colleagues would continue the efforts to implement rule 2 of the rules of procedure and engage in a review of the membership, including by appointing a special coordinator.

Conclusions of the presidency

40. During the plenary meeting of 13 February, the President offered some concluding remarks as a reflection of his presidency. He thanked the membership for the comments

made in reference to his presidency and welcomed in particular the constructive criticism he had received.

41. The President then stated that during four weeks of hard and intensive work, his presidency had exerted tireless efforts to adopt a programme of work that would have enabled an early resumption of substantive negotiations on the Conference on Disarmament agenda items. After the rejection of this possibility, the presidency committed itself to contribute to a change in the culture of the Conference of Disarmament which, in the opinion of the President, is one of the main factors enabling the impasse that prevails in the Conference, a body that has been unable to prove its relevance to the international community for more than 15 years.

42. The President observed that he would take away many lessons learned and plenty of evidence to support Mexico's positions and arguments, of which the most immediate were:

(a) Four weeks are too short a period for any presidency to achieve meaningful results;

(b) The presidency is inherently, perhaps deliberately, weak;

(c) The P6 cannot operate as a bureau, as its members, like the President, are not elected and do not represent anyone but themselves; and

(d) All of the above is a major obstacle for progress.

43. To conclude the last session of the Presidency of Mexico, the President posed two questions to the Conference:

(a) If, as some of you argue, the paralysis at the Conference on Disarmament cannot be solved through addressing the methods of work and may only be solved with political will, and if, as the records show, those responsible for lack of political will are only a handful of members, what do these members suggest the Conference on Disarmament should do while the rest of us wait for the world's security environment to change and for political will to appear spontaneously? Because it may take many more than another 18 years for those changes to occur;

(b) Many in this room argue both that the only way to achieve a world free of nuclear weapons is through a step by step approach and that the Conference on Disarmament is the sole disarmament negotiating forum. It therefore follows that the Conference on Disarmament is the backbone of the step by step approach. So if the Conference has been paralyzed for 18 years, can we then conclude that the step by step approach also stopped working almost two decades ago?